

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 05-10018-RGL
)
 ROBERT ARNOLD)

ASSENTED-TO MOTION TO CONTINUE SENTENCING

Defendant, Robert Arnold, moves to continue the sentencing hearing in the above-entitled matter, presently scheduled for August 17, 2005, to a date convenient to the Court but no sooner than August 31, 2005. As reasons therefore, counsel states the following:

1. The Probation Department has completed the presentence investigation and issued its final Presentence Report.
2. The Probation Department has determined that defendant is a career offender and thus subject to a guideline sentencing range of 151-188 months. (In absence of the career offender provision, defendant's guideline sentencing range would be 63-78 months.)
3. Counsel expects to file a sentencing memorandum requesting that the Court impose a statutory, non-guideline sentence.
4. This Court's sentencing procedural Order requires that file such a memorandum be filed not less than five (5) days before the sentencing hearing.
5. On August 3, 2005, counsel's elderly parents were involved in a single-car accident in Southboro, MA. Counsel's father's injuries, in conjunction with his advanced age, resulted in his admission to the intensive care unit at Beth Israel - Deaconess Hospital where he remains as of the date of this Motion. Counsel has taken several days off in the course of the last ten days in order to attend to medical decisions in regard to his care.

6. As a consequence, counsel has been unable (and will not be able) to complete the sentencing memorandum for filing in conformity with the Court's procedural Order.
7. Moreover, defendant has expressed a level of dissatisfaction with counsel's performance in preparing for sentencing. Counsel intends to meet with defendant, who is being detained at MCI Cedar Junction, in order to address these concerns.
8. Counsel therefore requests a brief continuance to meet with defendant and file a sentencing memorandum.
9. The government, by and through Assistant U.S. Attorney Timothy Feeley, assents to this motion.

ROBERT ARNOLD
By his attorney,

/s/ Timothy G. Watkins
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